

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 527 - By Zaffrini: Extending appreciation to the Friends and Volunteers of Laredo State Center.

S.R. 528 - By Glasgow: Commending Judge Raleigh Brown.

S.R. 529 - By Glasgow: Commending Pete and Elizabeth Gunn and Miller-Gunn, Inc., Hamilton, Texas.

S.R. 530 - By Glasgow: Extending congratulations to the Mighty Eagle Band, Crowley High School.

S.R. 531 - By Glasgow: Commending Bill Switzer.

S.R. 532 - By Glasgow: Commending Officer Phyliss Pierce of Crowley, Texas.

S.R. 533 - By Barrientos: Extending welcome to Margie and Severn "Sam" Towe of Paullina, Iowa.

S.R. 534 - By Barrientos: Extending congratulations to John Hrnair.

RECESS

On motion of Senator Brooks, the Senate at 12:25 p.m. took recess until 8:30 a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Thursday, May 14, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1675, Relating to the circumstances under which a home-rule municipality may hold a nonbinding referendum.

H.B. 2504, Relating to the number and terms of commissioners of the Brownsville Navigation District.

H.B. 1679, Relating to certain attorneys appearing before certain judges and justices.

H.B. 1785, Relating to the establishment of a uniform statewide accounting system for all agencies of State government, including institutions of higher education.

H.B. 1849, Relating to the amount and terms of, and fees payable in connection with, student loans from the Texas Opportunity Plan Fund.

H.B. 1587, Relating to the payment of cigarette taxes and to the establishment and use of the cigarette tax recovery trust fund to secure the payment of cigarette taxes by certain distributors.

H.B. 650, Relating to removal of certain obstructions in watercourses by the Texas Water Commission.

H.B. 737, Relating to the purchase of badges from the State by peace officers commissioned by the Texas Department of Public Safety or their survivors.

H.B. 1879, Relating to the creation of municipal courts of record in certain cities.

H.B. 696, Relating to prosecutors purchasing malpractice liability insurance.

H.B. 65, Relating to the selection of jurors in a civil or criminal case.

H.B. 1826, Relating to conditions of probation imposed on certain persons convicted of sexual offenses.

H.B. 812, Relating to suspension of certain licenses issued by the Texas Board of Private Investigators and Private Security Agencies.

H.B. 1838, Relating to the regulation by counties of transporters of liquid waste.

H.B. 915, Relating to suspension or revocation of a license, permit, or privilege to operate a motor vehicle.

H.B. 2238, Relating to activities to be engaged in by cooperative associations and systems thereunder.

H.B. 665, Relating to the authority of municipalities to require contractors to submit detailed trench construction plans and to include a pay item provision for trench shoring in contracts for buildings constructed in the municipality.

H.B. 203, Relating to an action for alienation of affection.

H.B. 544, Relating to the dismissal of certain criminal actions, the granting of certain motions or exceptions in criminal actions, and the review of those activities by the State Commission on Judicial Conduct.

H.B. 553, Relating to the waiver of a jury trial for a person charged with a capital offense and to the punishment, sentencing, and availability of parole or mandatory supervision for a person convicted of a capital offense.

H.B. 1869, Relating to public notice of a hearing on an application for a landfill permit.

H.B. 863, Relating to special license plates for active or retired members of the Texas Army National Guard, Texas Air National Guard, or Texas State Guard.

H.B. 1379, Relating to educational loans guaranteed by the Texas Guaranteed Student Loan Corporation.

H.B. 669, Relating to the requirement that the Industrial Accident Board prepare information concerning the number and causes of employee injuries and deaths occurring each year.

H.B. 1354, Relating to the authority of local law enforcement agencies to provide certain criminal history information to certain political subdivisions.

H.B. 925, Relating to inclusion of certain licensed dietitians' services in health insurance coverage.

H.B. 2122, Relating to the processing and inspection of exotic game meat.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

S.C.R. 65 (Uribe) Encouraging the support of United States Senators Bentsen and Gramm and United States Congressmen Ortiz and de la Garza for the consolidation of the MSAs in the Lower Rio Grande Valley of Texas. (vv)

S.C.R. 88 (Brooks) Requesting the Department of Human Services to monitor the new single administrative law judge appeal process. (vv)

S.C.R. 89 (Brooks) Requesting the Department of Human Services to implement certain recommendations regarding training in its audit of programs. (vv)

S.C.R. 90 (Brooks) Requesting the Department of Human Services to implement certain recommendations regarding its program audit procedures. (vv)

S.C.R. 96 (Leedom) Declaring the intent of both Houses that certain budget agencies consider recommendations by the Purchasing and General Services Commission to incorporate building use charges for certain State agencies located in State-owned buildings. (vv)

S.C.R. 101 (Brooks) Commending the Texas Department on Aging on their efforts to address the in-home and community-based service for the elderly and requesting a report to continue and expand their efforts of the projects. (vv)

C.S.S.B. 163 (Caperton) Relating to the election and duties of the district attorney of the 9th and 258th Judicial Districts. (29-1) Washington "Nay" (30-0)

C.S.S.B. 599 (Santiesteban) Relating to the creation of the El Paso Criminal Law Magistrate Court. (29-1) Washington "Nay" (30-0)

S.B. 604 (Santiesteban) Relating to certain requirements for registration as a professional engineer. (29-1) Washington "Nay" (30-0)

S.B. 605 (Santiesteban) Relating to the regulation of the practice of engineering; providing a penalty. (29-1) Washington "Nay" (30-0)

S.B. 745 (Lyon) Relating to certain annuities based on service credited in the elected class of membership of the Employees Retirement System of Texas. (29-1) Washington "Nay" (30-0)

S.B. 882 (Brooks) Relating to airport law enforcement officers commissioned as peace officers. (29-1) Washington "Nay" (30-0)

S.B. 929 (McFarland) Relating to minimum training requirements, testing, certification, and employment of peace officers who utilize investigative hypnosis in the investigation of cases; providing penalties. (29-1) Washington "Nay" (30-0)

S.B. 945 (Henderson) Relating to property exemptions from assessment and collection for highway improvements in certain counties. (29-1) Washington "Nay" (30-0)

C.S.S.B. 976 (Parmer) Relating to emergency services under certain insurance policies and coverage of health maintenance organizations. (29-1) Washington "Nay" (30-0)

S.B. 1210 (Lyon) Relating to uniform election dates and runoff elections. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1385 (Green) Relating to the disposition of money paid into the registry of certain courts in certain counties, the selection of a special depository for such funds, and the duties of the district clerk in said counties. (29-1) Washington "Nay" (30-0)

S.B. 1435 (Henderson) Relating to activities that may be performed by cooperative associations and their systems. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1436 (Krier) Relating to alternative dispute resolution procedures. (29-1) Washington "Nay" (30-0)

S.B. 1452 (Barrientos) Authorizing and requiring the relocation of the northern boundary of the Edwards Underground Water District and authorizing an interlocal agreement to avoid double taxation and to require payment of the district's indebtedness. (29-1) Washington "Nay" (30-0)

S.B. 1454 (Farabee) Relating to compensation for judges who are members of the 50th Judicial District Juvenile Board. (29-1) Washington "Nay" (30-0)

S.B. 1458 (Zaffirini) Relating to appointment, duties, and compensation of a public defender for Webb County. (29-1) Washington "Nay" (30-0)

S.B. 1460 (Brooks) Relating to an exemption from taxes on meals served to residents of certain retirement communities. (29-1) Washington "Nay" (30-0)

H.B. 74 (Parmer) Relating to the consolidation of county and municipal maintenance of birth and death records. (29-1) Washington "Nay" (30-0)

H.B. 110 (Krier) Relating to protective orders in cases of family violence. (29-1) Washington "Nay" (30-0)

H.B. 134 (Anderson) Relating to compliance with the solid waste management service requirements. (29-1) Washington "Nay" (30-0)

H.B. 156 (Tejeda) Relating to the issuance of parking permits for disabled persons. (29-1) Washington "Nay" (30-0)

H.B. 186 (Barrientos) Relating to the redesignation of the County Court at Law of Hays County as County Court at Law No. 1 of Hays County and to the creation of the County Court at Law No. 2 of Hays County. (29-1) Washington "Nay" (30-0)

H.B. 423 (Sims) Relating to the removal of certain parked vehicles. (29-1) Washington "Nay" (30-0)

Senator Sims offered the following committee amendment to the bill:

Amend **H.B. 423** by amending subsection (e), Article 6701d, V.T.C.S. to read as follows:

(e) Any (The) law enforcement agency other than the Department of Public Safety removing an abandoned vehicle in an unincorporated area will so notify the county sheriff [area Department of Public Safety office].

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 581 (Blake) Relating to the disposition of fines for certain speeding violations. (29-1) Washington "Nay" (30-0)

H.B. 591 (Sarpalius) Relating to the duties of the district attorney for the 64th Judicial District. (29-1) Washington "Nay" (30-0)

C.S.H.B. 646 (Sims) Relating to the disposition of a county's surplus or salvage property. (29-1) Washington "Nay" (30-0)

H.B. 689 (Harris) Relating to banking corporations or associations or individual bankers eligible to be selected as depositories of certain cities, towns, or villages. (29-1) Washington "Nay" (30-0)

H.B. 758 (Leedom) Relating to the public agencies that may participate in certain 9-1-1 emergency communication districts. (29-1) Washington "Nay" (30-0)

H.B. 952 (Green) Relating to validation of certain actions of the Harris County Water Control and Improvement District No. 84. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1002 (Brooks) Relating to the authority of a county to acquire property for hospital purposes outside the county. (29-1) Washington "Nay" (30-0)

H.B. 1003 (Brooks) Relating to the county liability for the actions of a member of the county hospital's board of managers. (29-1) Washington "Nay" (30-0)

H.B. 1031 (Uribe) Relating to the anhydrous citric acid content of a mature orange. (29-1) Washington "Nay" (30-0)

H.B. 1071 (Edwards) Relating to certain traffic offenses committed by certain minors. (29-1) Washington "Nay" (30-0)

H.B. 1100 (Parmer) Relating to a preference for a resident bidder when two or more identical bids are submitted for a city or district contract. (29-1) Washington "Nay" (30-0)

H.B. 1121 (Armbrister) Relating to the authority of certain cities to make improvements to their water and sewer systems and to levy assessments for the improvements. (29-1) Washington "Nay" (30-0)

H.B. 1125 (Caperton) Relating to the posting of a bond by a tenant after seizure of the tenant's property by a landlord for unpaid rent. (29-1) Washington "Nay" (30-0)

H.B. 1195 (Santiesteban) Relating to the manner of payment of certain rewards under the operation game thief program. (29-1) Washington "Nay" (30-0)

H.B. 1756 (Barrientos) Relating to a foreign trade zone in Travis County. (29-1) Washington "Nay" (30-0)

H.B. 2130 (Blake) Relating to the definition of personal property owned by the State, for purposes of record keeping by State agencies under the property accounting system administered by the State Purchasing and General Services Commission. (29-1) Washington "Nay" (30-0)

H.B. 2523 (Truan) Relating to the jurisdiction of the County Court at Law of Kleberg County. (29-1) Washington "Nay" (30-0)

H.C.R. 102 (Krier) Endorsing the establishment of the Texas Commission on the Bicentennial of the U.S. Constitution and supporting the Commission's

enhancement of State and local participation in the observance of the 200th anniversary of the U.S. Constitution. (vv)

H.C.R. 167 (Brooks) Requesting the Governor to create a Christopher Columbus Quincentenary Jubilee Commission. (vv)

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED
BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

Senator Blake announced at 8:56 a.m. that the Senate would stand adjourned until 10:30 a.m. today in accordance with a motion previously adopted by the Senate.

**FIFTY-SEVENTH DAY
(Thursday, May 14, 1987)**

The Senate met at 10:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, we thank Thee for our homes, our work and our friends. The gavel this morning will call us to the joy and the trial of a new day and we want to begin it right, in the sense of Thy presence. Give guidance and energy to meet the common duties of the day and to live and work with our friends helpfully. Make us diligent and faithful in our appointed assignment. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 242